

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, JAMES S.)
JORGENSEN,)
Plaintiffs,)
No. 07 C 7260)
v.)
Judge Zagel)
BILL HARRIS MASONRY, INC.)
Defendant.)

AFFIDAVIT OF MICHAEL CHRISTOPHER

STATE OF ILLINOIS)
COUNTY OF COOK)

Michael Christopher being first duly sworn on oath, deposes and states as follows:

1. I am a Field Representative employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Bill Harris Masonry, Inc. This affidavit is submitted in support of the Laborers' Funds' motion for damages.

2. The Memorandum of Joint Working Agreement attached to the Complaint as Exhibit A is a true and accurate reproduction of the Agreement on file with the Laborers' Funds signed by Bill Harris Masonry, Inc.'s former President, Charles W. Harris, on or about August 4, 1992.

3. The Laborers' Funds' designated auditors from Crowe Chizek and Company LLC have completed an audit report showing amounts due from Bill Harris Masonry, Inc., for the period

from January 1, 2000 through February 29, 2004. The report, which is attached to Plaintiffs' Motion for Damages as Exhibit B, reflects principal contributions owed to the Welfare, Pension, Training, LDCLMCC, MCIAF, LECET and Union dues in the amount of \$1,343.36.

4. The Laborers' Funds' designated auditors from Richard J. Wolf and Company, LLC have completed an audit report showing amounts due from Bill Harris Masonry, Inc., for the period from March 1, 2004 through October 31, 2007. The report, which is attached to Plaintiffs' Motion for Damages as Exhibit C, reflects principal contributions owed to the Welfare, Pension, Training, LDCLMCC, MCIAF, LECET, CISCO and Union dues in the amount of \$36,085.23.

5. According to the collective bargaining agreement and trust agreements, for amounts owed for the period January 1, 2000 through February 29, 2004, liquidated damages are owed for unpaid contributions in the amount of ten percent of the unpaid contribution, and interest is similarly owed which accrues at the prime rate as charged by Chase Bank plus two percent. For the period of January 1, 2000 through February 29, 2004, liquidated damages are owed in the amount of \$134.36, and interest is owed in the amount of \$2,804.16 through February 15, 2008.

6. On June 1, 2007, pursuant to the respective Agreements and Declarations of Trust of the Laborers Funds to which Bill Harris Masonry, Inc. is bound, the percentage at which liquidated damages would be calculated was increased from 10% to 20% for everything owed with the exception of Union dues (dues are still calculated at 10%). Therefore, for the period of March 1, 2004 through October 31, 2007, liquidated damages calculated at 10% are owed in the amount of \$204.63, and liquidated damages calculated at 20% are owed in the amount of \$6,807.79. Also, for the period of March 1, 2004 through October 31, 2007, interest is due in the amount of \$2,700.00 through February 28, 2008, and accumulated penalties are due in the amount of \$125.28.

7. Audit costs for the work performed by Crowe Chizek and Company LLC charged to the Laborers' Funds in this matter were \$2,750.00.

8. Audit costs for the work performed by Richard J. Wolf and Company, LLC charged to the Laborers' Funds in this matter are \$680.00.

9. The respective Agreements and Declarations of Trust of the Laborers' Funds, to which Bill Harris Masonry, Inc. is bound, require that it maintain a bond in the amount of \$5,000.00 to

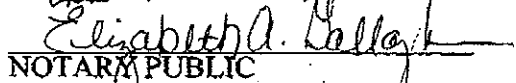
guarantee payment of contributions to the Laborers' Funds. Bill Harris Masonry, Inc. does not currently maintain such a bond.

10. The respective Agreements and Declarations of Trust of the Laborers' Funds, to which Bill Harris Masonry, Inc. is bound, require that it report and pay monthly contributions to the plaintiff Funds based on each hour worked by covered employees. Bill Harris Masonry, Inc. Company has not reported hours worked by covered employees for the period of December 1, 2007 through the present, or paid any contributions that may be owing based on those reports.

FURTHER AFFIANT SAYETH NOT.


Michael Christopher

Subscribed and sworn to before me
this 22nd day of February 2008.


NOTARY PUBLIC

